

**United States District Court**

For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 RICHARD E. BROWN, et al., No. C 04-5139 MJJ (JL)  
12 Plaintiffs,  
13 v.  
14 THE CALIFORNIA HIGHWAY PATROL, ORDER RE DOCUMENT SUBMITTED  
ET AL., FOR IN CAMERA REVIEW  
15 Defendants.

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**Order**

17 All discovery in this case has been referred by the district court (Hon. Martin J.  
18 Jenkins) as provided by 28 U.S.C. §636(b) and Civil Local Rule 72. Plaintiff's motion to  
19 compel production of documents and Defendants' motion to quash subpoenas came on for  
20 hearing before this Court. Both motions were granted in part and denied in part. In addition,  
21 Defendants were ordered to produce to the Court, for in camera review, "complaints of  
22 misconduct and disciplinary actions that affect issues in the case or go to the credibility of  
23 witnesses." (Minute Order of November 22, 2006)

24 Defendants submitted a two-page declaration under oath by Lieutenant Doug Endy,  
25 Administrative Lieutenant for the Marin County Sheriff's Department. Unfortunately, this  
26 document was misdirected and not received by this Court until a copy was sent by facsimile  
27 at the request of court staff on December 21.

1 Lieutenant Endy states that he reviewed all personnel files of the named defendants.  
2 He declares under oath that Deputy Hinchee has no citizen complaints in his personnel file,  
3 and that Deputy Lethin has no citizen complaints relating to excessive force or dishonesty  
4 in his personnel file.

5 Accordingly, this Court finds that there are no documents responsive to Plaintiff's  
6 subpoena and that no further order by this Court is necessary at this time.

7 IT IS SO ORDERED.

8 DATED: December 21, 2006

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11 JAMES LARSON  
12 Chief Magistrate Judge